

Application No.: 09/345,289  
Attorney Docket No.: 04MV1073

### REMARKS

The Examiner rejected Claims 1-17 under 35 U.S.C. 102(a) as being anticipated by Brodsky "XMI Opens Application Interchange", IBM, March 30, 1999, pages 1-12.

Applicant respectfully submits that the Examiner's rejection is improper for the following reason.

The cited reference Brodsky dated 03/30/1999 acknowledged the new XMI standard and "covers how XMI provides open interchange of application components and related business assets" (page 1, Introduction). Brodsky stated that the proof of concept of XMI was demonstrated "at the OMG meeting in November 1998, just three weeks after the final XMI specification was made available" (Brodsky, page 10, section XMI Proof of Concept). The demonstration is illustrated by Figure 8.

The concept of XMI is the concept of using UML, MOF and XML together to enable data interchange in a standardized way among software tools and repositories that may not be compliant to a common standard. The concept of XMI predated Brodsky and was first disclosed in the reference "XML Metadata Interchange (XMI), Proposal to the OMG OA&DTF RFP 3: Stream-based Model Interchange Format (SMIF)" dated July 6, 1998. This reference was referred to as "XMI" by the Examiner in the Office Action mailed on 12/31/2002. Applicant has overcome this cited reference "XMI" by submitting the "Declaration under 37 C.F.R. 1.132" on June 02, 2003 to establish that the concept of XMI originated with Applicant and that the relevant portions of the cited reference "XMI" originated with Applicant.

Since the concept of XMI, disclosed on 07/06/1998 in the reference "XMI", predated Brodsky (dated 03/30/1999) and Applicant has already established that the concept of XMI originated with Applicant, Brodsky cannot be cited as prior art against Applicant's application which was filed on 06/30/1999 (within one year of the date of disclosure of the concept of XMI).

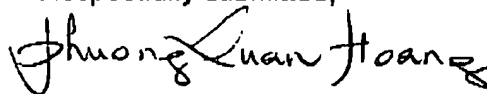
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In view of the above remarks, Applicant respectfully requests that the rejections of Claims 1-17 be withdrawn. Allowance of Claims 1-17 at an early date is solicited.

If there are any fees due as a result of this response, please charge the fees to Deposit Account No. 19-3790.

January 29, 2004  
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Respectfully submitted,



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